

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

QUALITY LINE EXPRESS, LLC,

Plaintiff,

v.

LITTLE CHUBBY ONE, INC., *et al.*,

Defendants.

Civil Action No. 22-7456 (MAS) (TJB)

**MEMORANDUM ORDER**

**SHIPP, District Judge**

**THIS MATTER** comes before the Court upon the Report and Recommendation (“R&R”) of the Honorable Tonianne J. Bongiovanni, U.S.M.J., recommending the dismissal of Defendant Little Chubby One, Inc.’s (“LCO”) Counterclaims (ECF No. 17), with prejudice, due to LCO’s default based on its failure to obtain counsel (“R&R”, ECF No. 32).<sup>1</sup> The Clerk of the Court sent a copy of the R&R via both Regular and Certified Mail, Return Receipt Requested, to the address listed on the docket for LCO. (*See* ECF No. 32-2.) No objections to the R&R were filed within the fourteen days provided by Federal Rule of Civil Procedure 72(b)(2) and Local Civil Rule 72.1(c)(2). To date, more than seven months later, LCO has still not filed an objection to the R&R.

“[W]here no objections are made in regard to a report or parts thereof, the district court will adopt the report and accept the recommendation if it is ‘satisf[ied] . . . that there is no clear

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<sup>1</sup> The Court recognizes that the R&R also addressed Defendant Isak B. Stern’s (“Stern”) failure to comply with Court Orders and failure to defend. (*See generally* R&R.) The parties, however, have stipulated to Stern’s dismissal from this suit with prejudice (ECF Nos. 52, 53), and as such the Court does not address anything in the R&R as it relates to Stern.

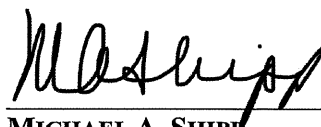
error on the face of the record.”” *Sportscare of Am., P.C. v. Multiplan, Inc.*, No. 10-4414, 2011 WL 500195, at \*1 (D.N.J. Feb. 10, 2011) (quoting Fed. R. Civ. P. 72 Advisory Committee’s Notes); *see also Defalco v. Rutgers Univ. Police Dep’t*, No. 15-6607, 2019 WL 2591031, at \*4 (D.N.J. June 25, 2019) (applying a clear error standard of review to uncontested portions of Magistrate Judge’s R&R).

Judge Bongiovanni’s well-reasoned R&R weighed the factors set forth in *Poulis v. State Farm Casualty Co.* and correctly determined that dismissal was appropriate. *See* 747 F.2d 863 (3d Cir. 1984). After a careful review of the record and the R&R, the Court agrees that the first through fifth *Poulis* factors all weigh in favor of dismissal, and the sixth *Poulis* factor should be deemed neutral. As such, the Court finds that there is no clear error on the face of the record, and Judge Bongiovanni’s “reasoning is sound.” *See Bank of Hope v. Chon*, No. 14-1770, 2020 WL 1188463, at \*1 (D.N.J. Mar. 12, 2020) (adopting the R&R where the magistrate judge’s reasoning was sound).

The Court has reviewed and carefully considered the R&R and underlying documents in this matter and finds good cause to adopt Judge Bongiovanni’s findings. Accordingly,

**IT IS** on this 21st day of November 2024, **ORDERED** that:

1. The R&R (ECF No. 32) is hereby **ADOPTED** in full as the Findings of Fact and Conclusions of Law of this Court.
2. LCO’s Counterclaims (ECF No. 17) are **DISMISSED WITH PREJUDICE**.

  
 MICHAEL A. SHIP  
 UNITED STATES DISTRICT JUDGE